

MINUTES
HUNTINGTON BEACH OFFICE OF THE ZONING ADMINISTRATOR
Room B-8 - Civic Center
2000 Main Street
Huntington Beach California

WEDNESDAY, FEBRUARY 3, 2010 - 1:30 P.M.

ZONING ADMINISTRATOR: Ricky Ramos

STAFF MEMBER: Ethan Edwards, Andrew Gonzales, Kimberly De Coite
(recording secretary)

MINUTES: **NONE**

ORAL COMMUNICATION: **NONE**

ITEM 1: CONDITIONAL USE PERMIT NO. 2009-030 (BOLSA CHICA CVS)

APPLICANT: Austin Rogers, Curt Pringle & Associates
PROPERTY OWNER: William Landis, 1901 Avenue of the Stars, Suite 670, Los Angeles, CA 90067
REQUEST: To permit the development of an approximately 14,363 sq. ft. retail/pharmacy building which includes a drive-thru, 75 space parking lot, and associated site improvements.
LOCATION: 16922 Bolsa Chica, 92649 (northeast corner of Warner Avenue and Bolsa Chica Street)
PROJECT PLANNER: Ethan Edwards

Ethan Edwards, Associate Planner, displayed project plans and photographs and stated the purpose, location, zoning, and existing use of the subject site. Staff presented an overview of the proposed project and the suggested findings and conditions for approval as presented in the executive summary.

Mr. Edwards stated that staff had received several calls regarding the project and one letter in opposition to the project citing concerns about the potential impacts to local businesses.

Mr. Ramos asked staff if Finding No. 2 would be more appropriate if modified to refer to the project as proposed, considering that there are no recommended modifications to the design. Mr. Edwards agreed with the modification.

THE PUBLIC HEARING WAS OPENED.

Tom Wilhelm, representative for the applicant, stated that he had no concerns or comments regarding the suggested conditions of approval.

Mike Adams, representing the adjacent property owner, stated that he had concerns with the location of the drive-thru adjacent to the residential property and the location of the trash

enclosure. Mr. Ramos clarified the location of the trash enclosure on the site plans and Mr. Adams withdrew his request for relocation.

Mr. Adams asked for additional landscaping, modified hours of operation, and replacement of the block wall to provide more shielding for the adjoining residential uses. Mr. Edwards stated that the applicant had agreed to remove and replace the block wall on the property line. Mr. Adams asked that the height of the wall be increased and that the landscaping around it be intensified to mitigate any noise or light impacts from the site.

Mr. Ramos asked staff if a lighting plan had been submitted. Mr. Edwards stated that a plan had been received. Mr. Ramos stated the code requirements for lighting would prevent spillage onto the adjacent properties. Mr. Wilhelm stated that he was aware of the code requirements and would adhere to them.

Mr. Ramos asked Mr. Wilhelm if the drive-thru would operate with a speaker system. Mr. Wilhelm stated that privacy regulations would prohibit that so the primary lane is serviced by a window and the secondary lane has a telephone line. Mr. Ramos noted that the drive-thru would therefore not be as intrusive to neighboring residents as a standard drive-thru.

Mr. Ramos asked Mr. Wilhelm if he objected to the block wall height being extended to eight feet. Mr. Wilhelm stated that he was in agreement with that request.

Mr. Adams asked for clarification on the landscape layout. Mr. Ramos stated that the landscaping proposal adhered to the code requirements. Mr. Adams asked that landscaping be clustered near the residential, possibly relocating some of the trees from the north property line to the east property line.

Mr. Adams asked if the drive-thru would be relocated and Mr. Ramos stated that the nature of the drive thru would limit the impacts to neighboring residents and that he would not require relocation.

Wilbur Lorbeer, local business owner, stated that he was in opposition to the request. He noted that he is developing a Walgreens Pharmacy on a nearby property and did not see a need for this request in the area. He expressed concern that the delivery service would impact the traffic on the site. Mr. Ramos asked staff if the Public Works Department had reviewed the site plans. Mr. Edwards stated that Public Works staff had reviewed the plans and found the circulation pattern adequate with modifications that are now reflected on the plans.

Ronald Shea, adjacent property owner, expressed concern regarding the potential noise impacts from the delivery service. Mr. Wilhelm indicated that the deliveries generally occur in the morning and that the drive-thru is closed during the delivery. Mr. Ramos asked if Mr. Wilhelm would object to a condition prohibiting evening deliveries and Mr. Wilhelm stated that he would not. Mr. Ramos asked if the delivery hours of 6:00am to 6:00pm were acceptable and Mr. Wilhelm agreed.

Mr. Shea asked how those hours would be enforced. Mr. Ramos indicated that any violations could be reported to the Planning Department. Mr. Shea asked if the delivery route could be modified and Mr. Ramos stated that he was comfortable with the current route. Mr. Shea stated that 6:00 am was early and asked if the hours could be extended to 8:00 am. Mr.

Wilhelm stated that 8:00 am was too late and Mr. Ramos asked if 7:00 am would be acceptable. Mr. Wilhelm agreed.

William Correia, resident, asked for clarification on the timeline for the project. Mr. Ramos reviewed the appeal period and approval process.

THERE WERE NO OTHER PERSONS PRESENT TO SPEAK FOR OR AGAINST THE REQUEST AND THE PUBLIC HEARING WAS CLOSED.

Mr. Ramos stated that, based on the information provided, he would approve the request as recommended by staff with modifications to Finding No. 2 and additional conditions restricting the delivery hours, extending the east wall to eight ft., and intensifying the landscaping near the residential use.

CONDITIONAL USE PERMIT NO. 2009-030 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING MODIFIED FINDINGS AND MODIFIED CONDITIONS OF APPROVAL. STAFF STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR MAY BE APPEALED TO THE PLANNING COMMISSION WITHIN TEN (10) CALENDAR DAYS.

FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Zoning Administrator finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 15302 of the CEQA Guidelines, because the project consists of the replacement of existing commercial structures with a new structure of substantially the same size, purpose and capacity.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 2009-030:

1. Conditional Use Permit No. 2009-030 for the establishment, maintenance and operation of an approximately 14,363 sq. ft. retail/pharmacy building with drive-thru will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood. The project will not significantly impact adjoining properties because it will be located within an established area containing similar neighborhood serving commercial uses. The building is appropriately sited toward the street corner and provided with a designated pathway to facilitate pedestrian activity along the public right-of-way. The project improves vehicular egress and ingress by consolidating and relocating driveway entrances/exits away from the street corner and establishing reciprocal access onto adjoining commercial properties in order to prevent impacts to circulation along Bolsa Chica Street and Warner Avenue. The drive-thru is located to the rear of the building away from the main entrance which will provide sufficient vehicle queuing and efficient onsite circulation. The site will be adequately parked and will not have any significant impacts onto adjoining properties. Furthermore, the project will not generate significant noise, odors or other detrimental impacts.
2. The conditional use permit will be compatible with surrounding uses because the proposed commercial use will serve the surrounding neighborhood and is designed to facilitate pedestrian, automobile, and bicycle access. The building's design is consistent with the

surrounding neighborhood by providing appropriate scale through a single story design and appropriate proportion and character through variable façade offsets and harmonious colors and materials. The project, as proposed, conforms to the design criteria as stipulated within the City's Urban Design Guidelines by siting the building to accommodate a pedestrian path from the public right-of-way, accommodating anticipated circulation patterns and providing adequate drive-thru queuing.

3. The conditional use permit will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance. The proposed development plan complies with the zoning development standards and land use provisions in the Commercial General zoning district including minimum building setbacks, minimum onsite landscaping, maximum building height, and maximum floor area ratio. As conditioned, a lot line adjustment shall be required to consolidate three lots into one developable lot in compliance with the minimum lot size standards.
4. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the Land Use Element designation of CG-F1 (General Commercial – 0.35 maximum FAR) on the subject property. In addition, it is consistent with the following goals, policies, and objectives of the General Plan:

Land Use Element

Goal - LU 10: Achieve the development of a range of commercial uses.

Policy - LU 10.1.1: Accommodate the development of neighborhood, community, regional, office and visitor-serving commercial uses in areas designated on the Land Use Plan in accordance with Policy 7.1.1.

Policy - LU 10.1.4: Require that commercial buildings and sites be designed to achieve a high level of architectural and site layout quality.

Policy - LU 10.1.12: Require that Commercial General uses be designed and developed to achieve a high level of quality, distinctive character, and compatibility with existing uses and development, including: (e) architectural treatment of buildings to minimize visual bulk and mass, using techniques such as the modulation of building volumes and articulation of all elevations.

The proposed project consists of a neighborhood serving commercial use in an area designated for commercial uses. The proposed building complies with the City of Huntington Beach Urban Design Guidelines for drive-through and general commercial buildings, including modulation of building volumes, articulation of elevations, screening of drive-through lanes and loading areas, and provision of a canopy at the drive-through pick-up window area.

Economic Development Element

Objective - ED 2.4: Revitalize, renovate and expand existing Huntington Beach commercial facilities while attracting new commercial uses.

Policy - ED 2.4.1: Encourage and assist existing and potential commercial owners to modernize and expand their commercial properties.

The project design features quality architecture and exterior finish materials, a variety of roof lines and façade treatments, and a functional site layout. The project will replace existing aged buildings with a modern development and expand the range of commercial uses.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 2009-030:

1. The site plan, floor plans, and elevations received and dated November 12, 2009 shall be the conceptually approved design with the following modifications:
 - a. Additional trees shall be incorporated and clustered within the landscape planter adjacent to the existing residential property to the east to provide additional screening to the approval of the city landscape architect.
 - b. An 8 ft. high block wall shall be installed on or along the property line between the northeast corner of the property to the rear of the existing commercial building to the east.
2. Deliveries shall be prohibited between the hours of 6 p.m. and 7 a.m.
3. Prior to issuance of building permits, the following shall be completed:
 - a. A lot line adjustment shall be filed, approved and recorded – for purposes of merging Assessor's Parcel Numbers 146-601-29, 146-601-30, and 146-661-31.
 - b. The subject property shall provide an irrevocable offer to dedicate reciprocal access, between the subject site and adjacent easterly and northerly properties. The location and width of the accessway shall be reviewed and approved by the Planning & Building Department and Public Works Department. The subject property owner shall be responsible for making necessary improvements to implement the reciprocal driveway. The legal instrument shall be submitted to the Planning & Building Department a minimum of 30 days prior to building permit issuance. The document shall be approved by the Planning & Building Department and the City Attorney as to form and content and, when approved, shall be recorded in the Office of the County Recorder prior to final building permit approval. A copy of the recorded document shall be filed with the Planning & Building Department for inclusion in the entitlement file prior to final building permit approval. The recorded agreement shall remain in effect in perpetuity, except as modified or rescinded pursuant to the expressed written approval of the City of Huntington Beach.
4. Prior to final inspection, surveillance cameras shall be installed at the entrance of the building, loading area, and drive-thru area and record for a period of 24-hours on a daily basis. Video tapes shall be retained for at least 30 days. (PD)
5. Incorporating sustainable or "green" building practices into the design of the proposed structures and associated site improvements is highly encouraged. Sustainable building practices may include (but are not limited to) those recommended by the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) Program certification (<http://www.usgbc.org/DisplayPage.aspx?CategoryID=19>) or Build It Green's

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.

THE MEETING WAS ADJOURNED AT 1:52 PM TO THE NEXT REGULARLY SCHEDULED MEETING ON WEDNESDAY, FEBRUARY 17, 2010, AT 1:30 PM.



Ricky Ramos
Zoning Administrator

RR:kdc